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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		ITL.1709US (P17678)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number		Filed
	10/701,054		November 3, 2003
	First Named Inventor		
	Louis A. Lippincott		
	Art Unit	Examiner	
	3714	Eric M. Thomas	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 28,994			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34			
		 Signature <b>Timothy N. Trop</b> Typed or printed name <b>(713) 468-8880</b> Telephone number <b>August 10, 2011</b> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

<input type="checkbox"/> *Total of _____ forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	Art Unit:	3714
Louis A. Lippincott	§		
	§	Examiner:	Eric M. Thomas
Serial No.: 10/701,054	§		
	§	Conf. No.:	5501
Filed: November 3, 2003	§		
	§	Docket:	ITL.1709US
For: Gaming Interface Techniques	§		P17678
for Media Centers	§		
	§	Assignee:	Intel Corporation

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**STATEMENT IN SUPPORT OF**  
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

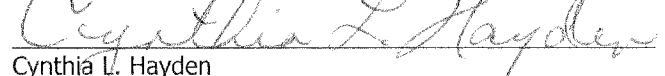
Sir:

The final office action, in the Response to Arguments, argues that, while what is claimed is tags appended to transmissions, the cited reference simply, instead, uses different frequencies to distinguish transmissions. The applicant could address the obviousness of this difference. But the applicant is not required to address obviousness in response to a Section 102 rejection.

The argument that “the Examiner views the teaching of each controller transmitting on a different frequency as being equivalent to appending tags and the teaching of the console determining which controller is sending which control signals as being equivalent to the media player distinguishing game control commands from different players” is an inappropriate and insufficient argument under Section 102. See *Richardson vs. Suzuki Motor Co., Ltd.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (“The jury had erroneously been instructed that anticipation may be shown by equivalence, a legal theory that is pertinent to obviousness under Section 103, not anticipation under Section 102.”)

Date of Deposit: August 10, 2011

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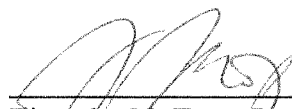
  
Cynthia L. Hayden

With respect to the argument under 37 C.F.R. 1.111(b), plainly, the applicant has pointed out how the reference is different. The Examiner has responded by arguing that, even if different, because they are equivalent, they are anticipated. This is clearly incorrect as a matter of law.

Therefore, the final rejection should be withdrawn.

Respectfully submitted,

Date: August 10, 2011



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